

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON AGRICULTURE

Call to Order: By **CHAIRMAN DONALD L. HEDGES**, on March 22, 2001
at 3:10 P.M., in Room 172 Capitol.

ROLL CALL

Members Present:

Rep. Donald L. Hedges, Chairman (R)
Rep. Linda Holden, Vice Chairman (R)
Rep. Darrel Adams (R)
Rep. Norma Bixby (D)
Rep. Rick Dale (R)
Rep. Dave Gallik (D)
Rep. Kathleen Galvin-Halcro (D)
Rep. Christopher Harris (D)
Rep. Verdell Jackson (R)
Rep. Jim Keane (D)
Rep. Larry Lehman (R)
Rep. Holly Raser (D)
Rep. Clarice Schrumpf (R)
Rep. Frank Smith (D)
Rep. Butch Waddill (R)
Rep. Karl Waitschies (R)
Rep. Merlin Wolery (R)

Members Excused: Rep. Gilda Clancy (R)
Rep. Ralph Lenhart, Vice Chairman (D)

Members Absent: None.

Staff Present: Krista Lee Evans, Legislative Branch
Robyn Lund, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Executive Action: SB 197; SB 196

EXECUTIVE ACTION ON SB 197

Motion: REP. ADAMS moved that SB 197 BE CONCURRED IN.

Motion: REP. LEHMAN moved that AMENDMENTS TO SB 197 BE ADOPTED.

Discussion:

Ms. Krista Lee Evans explained the amendments. **EXHIBIT**(agh65a01)

REP. WOLERY asked if the amendment takes care of the national parks. Ms. Evans said that it would. They would be under the other jurisdictional entities. The Forest Service had their general counsel review this bill and they were okay with it. We can't have jurisdiction on federal or tribal property unless there is an agreement that says that we can.

REP. SMITH commented that his reservation had passed a resolution against this.

REP. HEDGES asked, if you have to get permission from the land owner, what about the state trust land? Ms. Evans said that they would have to get permission from the State Lands Department. Currently they are supposed to get permits, this would be the same thing.

REP. WAITSCHIES said that he lives on the line of the reservation; is he included in this? Ms. Evans said that he is.

REP. ADAMS called for the question.

Motion/Vote: REP. ADAMS moved that AMENDMENT TO SB 197 BE ADOPTED. Motion carried 18-1 with Smith voting no.

Motion: REP. LEHMAN moved that SB 197 BE CONCURRED IN AS AMENDED.

Discussion:

REP. SMITH commented that this is a bad bill no matter how it is amended. He doesn't see how it can be enforced. If you are leasing state grounds, is the state going to allow people on that ground? REP. HEDGES said that was correct. Ms. Evans said that if you are leasing state land now, they can still allow people access or an easement for a certain purpose.

REP. LEHMAN commented that no law is enforced until you actually get caught breaking the law.

REP. SMITH thought that we already have enough trespass laws on the books. We don't need any more.

Motion/Vote: **REP. HOLDEN** moved that **HB 197 BE TABLED. Motion failed 8-10 with Adams, Gallik, Harris, Hedges, Holden, Raser, Schrupf, and Smith voting aye.**

REP. DALE confirmed that the bill required permission and removed all liability from the landowner, that is why he voted against the tabling motion.

REP. JACKSON said that he had heard from some people who make wreaths out of branches from trees. Would that fit under this bill? **The committee** thought that it would.

REP. CLANCY said that the small business that **REP. JACKSON** had referred to had told her that this bill would put them out of business, but she felt that since they are required to get a permit now, this wouldn't affect them at all.

REP. WAITSCHIES said that he would support this because in the testimony he had heard that it was designed to prevent the abuse of a system where you have 40 or 50 low-paid people come in and tear up the place and then leave with a truckload of stuff.

REP. JACKSON said that, if someone is picking berries for their own use, they wouldn't be required to go through this, but if they are doing it commercially, they would be.

REP. ADAMS said that he could see where people who were taking the branches off the trees would be doing a benefit by trimming the trees. **REP. KEANE** said that he had a piece of property and he didn't want people going in and chopping the trees up. It has happened. If they are going to do that he would like to know about it.

REP. GALVIN-HALCRO said that you have to have a permit to cut a Christmas tree.

REP. GALLIK said that this seems to be in protection of those who want to protect private property rights.

REP. LEHMAN said that this would be one of the largest mushroom picking seasons in Montana in the spring. This would lend some safety to that situation.

REP. HEDGES commented that state and federal law already requires permission for a lot of these activities. Private property rights are protected under trespass laws.

REP. WAITSCHIES said that the thing that is different in this bill than in current law is that this says that if you are in possession of these things it can be used as evidence that you have done something illegal. That is what he likes about it.

REP. GALLIK asked Ms. Evans if that is, in fact, the difference.

Ms. Evans said that it is one of the differences. The other difference is that in current law, if someone trespasses and injures themselves then you are not liable, however, as soon as you receive any compensation for that you, as the landowner, become liable. This takes away the liability for the property owner. **REP. GALLIK** clarified that if you give permission for someone to wild craft and you take compensation, you will not be responsible or liable for any injury that may happen to the person who is collecting the plants. **Ms. Evans** said that Section 6 says that you aren't liable except for an act or omission that constitutes willful or wanton misconduct. The recreation statutes say that when you receive compensation you give up that liability limitation, but it doesn't say that in this bill.

REP. WOLERY said that he is concerned about the penalties. They seems to be to high. He would be interested in a lesser amount or eliminating the jail term.

REP. WAITSCHIES said that we would have to leave that to the discretion of the deciding judge. It could be as low as \$100 and that doesn't seem like too much.

REP. GALLIK is concerned about the situation where a landowner allows a commercial operation to come in and takes compensation from them. He would like to offer a conceptual amendment to differentiate that those landowners granting permission with compensation should not be immune from liability.

Motion: **REP. GALLIK** moved that **AMENDMENT TO SB 197 BE ADOPTED.**

Discussion:

REP. ADAMS asked how that would work. If someone is picking berries and falls down and gets hurt, the landowner is responsible. **REP. GALLIK** said that would only be true if the landowner said that they are welcome to pick berries, but you have to pay me for that right.

REP. LEHMAN asked if this issue is covered on the amendment on page 1, line 25. Would that be considered resale? **Ms. Evans** said that for the purposes of resale was put under buyer and in the liability statutes a buyer is not addressed at all. He isn't buying the product from them, he is making them pay for access to

his property. **REP. LEHMAN** thought that any time you use the term payment, buy/bought is involved. **Ms. Evans** replied that the definition of buyer was a person who purchases or acquires wildcrafted plant material other than materials acquired directly from the property owner.

REP. RASER commented that in recreational access people are paying a great deal more than access for cat tails or huckleberries. **Ms. Evans** said that, in the recreational statutes, it is if you receive any compensation. **REP. RASER** clarified that if you charge any amount at all you would assume liability. **Ms. Evans** said that was correct.

REP. KEANE asked that if he had some cherries on his property and he said that he was going to charge you \$5 and you can pick all the cherries you want, would he then have the liability?

Ms. Evans said that in the current bill he would not, but in the amendment he would.

REP. WAITSCHIES commented that the average hunter will pay about \$4000 for use of the property and getting a deer.

REP. JACKSON asked **REP. GALLIK** to comment on the issue of negligence when people would come on your property ordinarily.

REP. GALLIK said that if there is the negligence standard, where if they come on your property and you are not negligent, then you are not liable. If a jury determines that you, as the landowner, did something that was negligent, then you would be held liable.

REP. JACKSON asked about the situation where you invited someone on your property, wouldn't that same standard still apply?

REP. GALLIK said that it would. **Ms. Evans** said that with the amendment you would be liable, without the amendment you wouldn't be.

REP. RASER commented that she doesn't want the landowner to get the liability. **Ms. Evans** replied that the bill without the amendment would prevent the landowner from having liability.

REP. ADAMS called for the question.

Motion/Vote: **REP. GALLIK** moved that **AMENDMENT TO HB 197 BE ADOPTED**. Motion failed 2-17 with Gallik and Harris voting aye.

REP. LEHMAN called for the question.

Motion/Vote: **REP. LEHMAN** moved that **SB 197 BE CONCURRED IN AS AMENDED**. Motion carried 13-5 with Adams, Bixby, Gallik, Schrupf, and Smith voting no.

REPRESENTATIVE PAUL CLARK will carry the bill.

EXECUTIVE ACTION ON SB 196

Motion: **REP. HOLDEN** moved that **SB 196 BE CONCURRED IN.**

Motion: **REP. WADDILL** moved that **AMENDMENT SB19610.AKL BE ADOPTED.**

Discussion:

REP. WADDILL explained the amendments. **EXHIBIT (agh65a02)**

REP. DALE asked if this language made this bill consistent with federal law.

REP. HARRIS said that he felt this amendment was necessary to avoid constitutional problems this bill would otherwise have.

REP. HOLDEN asked what it meant when you placard. **Ms. Evans** said that on page 1, line 25, it says that placard has a meaning provided in 50-31-103. It means that it doesn't have to be attached to the item.

REP. LEHMAN asked if perhaps a store could put a placard in the entrance window that would indicate that many of the products in this store are from a country of unknown origin. **Ms. Evans** didn't see why they couldn't do that.

REP. SMITH said that in a lot of stores the price labeling is printed at a central warehouse and they can put most anything on them.

REP. HARRIS said that the amendment was a constitutional law because we have a federal act that provides all of the labeling requirements. We can't be inconsistent with them. **Ms. Evans** said that where the labeling was optional it was left in the bill. In the parts that were being required, placard replaced label because we can't be different than the federal law.

REP. HEDGES asked for Carol Olmstead to comment. **Ms. Olmstead** said that there is FDA law and there is USDA law. USDA governs meat and poultry products at the wholesale level. FDA governs the labeling for other food products as well as meat and poultry at the retail level. The definition of placard is not in USDA labeling law, but it is in FDA. **REP. HEDGES** said that in the body of the bill where we have required placarding, does this

fall within the purview of the state to do that as opposed to federal regulation. **Ms. Olmstead** said that when you are looking at adding new law at the wholesale level, USDA will come back and say that it is illegal to go beyond. As far as FDA law, she feels that you can add to it.

REP. GALLIK clarified that at the wholesale level, for meat purposes, we require labeling, but not at the retail level.

Ms. Olmstead said that is not correct. Two different federal agencies regulate labeling at different levels.

REP. RASER asked if country of origin labeling is required at the wholesale level by the USDA. **Ms. Olmstead** said that it is not.

REP. LEHMAN clarified that the state has no authority to supercede the USDA. **Ms. Olmstead** said that in the cooperative agreement that the program has for meat and poultry, it says that they will not go above and beyond in regulation. That is specified by USDA. It is different in FDA. FDA labeling laws are enforced by the Department of Health. **REP. LEHMAN** asked if we pass this bill, would we be going beyond or would we be in compliance with the cooperative agreement? **Ms. Olmstead** replied that, the way the bill is written, the Department of Livestock Meat Inspection Program wouldn't be regulating this law. The person regulating this would be out of the Department of Commerce.

REP. JACKSON asked if she knew of any federal legislation that might be coming to address the area of country of origin for meat. **Ms. Olmstead** didn't know of any specific bill. There is a push for this to be looked at by the Cattleman's Association. Other states have passed bills similar to this that have either been verbally told that they will be sued by USDA or that their state Attorney General's Office has instructed them that they can't enforce this law. **REP. JACKSON** asked for the process of getting a USDA stamp. **Ms. Olmstead** replied that plant owners usually know where the meat is coming from. Boxed beef, if it comes from out of state, has to be inspected by the USDA.

REP. DALE commented that this amendment just makes the bill have consistent language within its own sections. The ultimate purpose is to come up with a bill that identifies those products where a hazard exists at some level and exempt products who would have a hardship.

REP. CLANCY called for the question.

Motion/Vote: **REP. WADDILL** moved that **AMENDMENT SB019610.AKL BE ADOPTED. Motion carried 18-1 with Adams voting no.**

Motion: REP. DALE moved that **AMENDMENT AB019603.AKL BE ADOPTED.**

Discussion:

Ms. Evans explained the amendment. **EXHIBIT (agh65a03)**

REP. HARRIS asked if "food service establishment" would include vending machines. **Ms. Evans** replied that it would.

REP. GALVIN-HALCRO called for the question.

Motion/Vote: REP. DALE moved that **AMENDMENT SB019603.AKL BE ADOPTED.** Motion carried unanimously.

Motion: REP. RASER moved that **SB 196 BE CONCURRED IN AS AMENDED.**

Motion: REP. RASER moved that **AMENDMENT SB019605.AKL BE ADOPTED.**

Discussion:

Ms. Evans explained the amendment. **EXHIBIT (agh65a04)**

REP. SMITH said that when it goes into the warehouse the boxes are all labeled and when it goes into the stores it is packaged again. How would you follow that labeling line? **Ms. Evans** said that would be the issue with any of the products.

REP. WAITSCHIES asked why fruits and vegetables were taken out in the Senate. **REP. RASER** said that the only opposition in the hearing was about fruits and vegetables. **REP. WOLERY** responded that REP. RASER was correct.

REP. GALLIK asked for the sponsor to comment. **Senator Tester** said that there was some anxiety about the fruits and vegetables from people that were in the Ag Committee. That was only done to help them in their anxiety.

REP. RASER said that other countries use different pesticides than we do. Since the boxes that they come in usually say where they come from, she doesn't feel that it would put a hardship on the retailers.

REP. WADDILL said that he had worked in a produce department of a grocery store. All of the produce that was received was labeled as where it came from. Most of the fruits and vegetables come from California, but more is coming from Mexico all the time.

REP. SMITH said that he went through Walmart over the weekend and most of their fruits and vegetables were labeled.

REP. HOLDEN asked if the little stores are going to have to label the produce each time. **REP. WADDILL** replied that placard is one sign above the lettuce telling where it is grown. **REP. HOLDEN** is concerned that they will have to put a new sign up each time.

REP. WADDILL commented that what he had done was, on the sign that had the price, it actually said where it was from. They did it with a grease pencil so it could be rubbed off. If there was a mixed variety from different countries they separated them out.

Motion: **REP. DALE** moved **TO SEGREGATE AMENDMENTS 1 AND 2.**

Motion/Vote: **REP. RASER** moved that **AMENDMENT SB019605.AKL, NUMBERS 1 AND 2, BE ADOPTED.** Motion carried 17-2 with Holden and Wolery voting no.

Motion: **REP. RASER** moved that **AMENDMENT SB019605.AKL BE ADOPTED.**

Discussion:

REP. RASER doesn't think that this will be a difficulty and the consumers would appreciate this.

REP. CLANCY commented that this bill only addresses country of origin, so they don't need to separate produce grown in Montana from other states.

REP. GALLIK asked for clarification from **REP. DALE.** **REP. DALE** commented that his motivation for segregation was the idea of allowing versus requiring.

REP. RASER asked **REP DALE,** is the effect of the segregating that if these amendments don't go in we would be requiring labeling for meat, but not for fruits and vegetables. **REP. DALE** said that his concern was that meat products are the biggest perceived danger. He doesn't like the idea of imposing this on people who are already doing most of this. If people prefer that, free market will move that way.

REP. WOLERY said that this was presented as a marketing tool, not a food safety issue. He called for the question.

Motion/Vote: **REP. RASER** moved that **AMENDMENT SB019605.ALK, NUMBERS 3, 4, 5 AND 6, BE ADOPTED.** Motion carried 12-7 with Dale, Harris, Holden, Jackson, Keane, Waitschies, and Wolery voting no.

REP. HOLDEN talked about the fiscal note. This would require an extra FTE to the Department of Weights and Measures. There is no way to enforce this, since they didn't receive any new moneys coming into the department.

Motion: **REP. WAITSCHIES** moved that **AMENDMENT SB019604.AKL BE ADOPTED.**

Discussion:

Ms. Evans explained the amendments. **EXHIBIT (agh65a05)**

REP. HOLDEN clarified that the administrative rules would have to be adopted so that the next legislature couldn't take into consideration any new things. **REP. WAITSCHIES** replied that any legislative action could be taken by anyone at any time. We have no say what happens next time. This way the retailers would know what was coming, but the new legislature could change it.

REP. HOLDEN said that Senator Burns had introduced a federal bill for labeling for meat. Congressman Rehberg is also introducing a labeling bill.

REP. HARRIS said that this is appropriate in light of the last amendment because the committee has significantly expanded the scope of food that will have to be covered, so we need to give the department additional time.

REP. GALLIK disagreed with **REP. HARRIS** in that, when it was initially drafted, the amendment was in there and it would have been taken into consideration. He doesn't know that this will cause any further time to be necessary.

REP. WADDILL said that, on the second page of the fiscal note, it talks about the FTE for the Weights and Measurements Bureau and it was included in the bill. He feels that they have everything that they need to support the bill. **REP. HOLDEN** said that they were planning on a fee increase and they didn't get it, so they don't have the money to do it. We haven't appropriated it out of the general fund. **REP. WADDILL** responded that he was still under the impression that that was taking this into consideration.

REP. HOLDEN said that we haven't passed anything in the House that would appropriate funds for this. **REP. WADDILL** said that if we look at every single thing that we do or don't do, he doesn't think that it is possible on the amount of bills that we receive. He thinks we should go on the fiscal note.

REP. GALLIK said that the fiscal note is assuming that there are no fines or penalties going to be collected. He would assume

that there will be some and that would help offset the cost.

REP. HOLDEN said that Senator Tester had not wanted any fines the first year.

REP. WADDILL said that this bill is included in the legislative fiscal division general fund status sheet from the 16th of March.

REP. KEANE called for the question.

Motion/Vote: **REP. WAITSCHIES** moved that **AMENDMENT SB019604.AKL BE ADOPTED**. Motion carried 10-9 with Bixby, Gallik, Galvin-Halcro, Keane, Lenhart, Raser, Schrupf, Smith, and Waddill voting no.

Motion: **REP. HOLDEN** moved that **AMENDMENT SB019606.AKL BE ADOPTED**.

Discussion:

Ms. Evans explained the amendment saying that it was striking grains. **EXHIBIT (agh65a06)**

Motion: **REP. GALLIK** moved **TO SEGREGATE 1 AND 2 FROM 3,4,5 AND 6**.

Discussion:

REP. HEDGES said that we would take on numbers 1 and 2 first.

REP. RASER clarifies that in 1 and 2 we are not allowing permissive labeling of grains with this amendment, so if you want them to be able to you need to vote no.

REP. ADAMS asked if this means that we are not enforcing it.

Ms. Evans said that under Section 3, Sub 1, it is completely up to the retailer on whether or not they want to label those products. This amendment strikes grains from the products that we are allowing them to label if they so choose.

REP. WAITSCHIES asked if there is anything that prevents labeling right now. **REP. HEDGES** said that there is not. **REP. WAITSCHIES** asked if there was a point to this considering that.

REP. HARRIS agrees with **REP. WAITSCHIES**. It makes this a silly piece of legislation.

REP. RASER pointed out that this was only for products that are produced in Montana.

REP. GALLIK further clarified that if they vote yes, would we then now have a disallowance of people making their choice to

label. **Ms. Evans** said that how and why you can label "Made in Montana" is not found in statute. She doesn't think that you would be disallowing it by not having it in the bill because that is not what it states.

REP. HEDGES asked for Jack Kane to comment. **Mr. Kane** said that the Made in Montana program is a different program in the Department of Commerce.

REP. LEHMAN asked if they could eliminate all of Section 3.

Ms. Evans said that was not correct, they could only eliminate Sub 1. **REP. LEHMAN** clarified that no harm would be done if Subsection 1, in its entirety, was deleted. **Ms. Evans** said that if you deleted Subsection 1 you wouldn't change what is currently law.

REP. RASER called for the question.

Motion/Vote: **REP. HOLDEN** moved that **AMENDMENT SB019606.AKL, NUMBER 1 AND 2, BE ADOPTED. Motion failed 3-16 with Hedges, Waitschies, and Wolery voting aye.**

REP. HOLDEN reminded the committee of the testimony about all of the beer. She feels that it is a good idea to strike grains. Additionally, there isn't a health issue with grain.

REP. SMITH said that if there is no problem with grains, why did they pass HJ 6.

REP. RASER said that she agrees with **REP. HOLDEN**. It would be too hard to deal with the blended products and she doesn't feel that this is where the heart of this bill is.

REP. WAITSCHIES asked if they could just leave grains out of the whole thing. It isn't really workable. **REP. ADAMS** pointed out that it is only for country of origin. **REP. WAITSCHIES** said that this is still a requirement.

REP. GALLIK understands the concerns that were brought up about blended foods, and that makes sense, however, we are in a competitive market with grains from Canada. He thinks that if he had a choice he would appreciate the opportunity to buy American.

REP. HOLDEN mentioned that people who have grains from Montana do label. To require a placard, many will just say origin unknown. She doesn't want people to get used to that. **REP. GALLIK** agrees, but when we are talking about whole grain products, he would prefer to have people know.

REP. WOLERY called for the question.

Motion/Vote: **REP. HOLDEN** moved that **AMENDMENTS SB019606, NUMBERS 3, 4, 5 AND 6, BE ADOPTED.** Motion carried 12-7 with Bixby, Gallik, Galvin-Halcro, Raser, Schrupf, Smith, and Waddill voting no.

Motion/Vote: **REP. ADAMS** moved that **SB 196 BE TABLED.** Motion failed 8-11 with Adams, Clancy, Dale, Hedges, Holden, Jackson, Waitschies, and Wolery voting aye.

Motion: **REP. GALLIK** moved that **SB 196 BE CONCURRED IN AS AMENDED.**

Motion: **REP. HEDGES** moved that **AMENDMENT SB019607.AKL BE ADOPTED.**

Motion: **REP. HEDGES** moved **TO SEGREGATE SB019607.AKL, NUMBERS 1, 2, 3; NUMBERS 4, 5, 6, 7; NUMBER 8; NUMBERS 9 - 16.**

Discussion:

Ms. Evans explained the amendments. **EXHIBIT**(agh65a07)

REP. ADAMS clarified that if they pass this amendment, the bill says that they have to do something, but there is no penalty if they don't do it.

Ms. Evans said that 4, 5, 6 and 7 conflicts with a previous amendment.

REP. RASER asked what amendments they are on. **REP. HEDGES** said that they are on 1, 2 and 3, and 9-16.

REP. RASER asked why the sponsor of the amendment would want to remove the penalties. **REP. HEDGES** said that it would be a voluntary program where they can come in and label grains and there is no need for a penalty. It is a promotion thing.

REP. RASER said that there was still a section that said labeling is required. **Ms. Evans** said that what happens with this amendment is that it still requires them to placard, but there is no penalty if they don't.

REP. DALE asked, if we are doing this for safety, has anyone died in Montana because this isn't being done? Why do we have penalties unless there is a safety issue? **REP. HEDGES** said that is why they removed them.

REP. GALLIK said that safety is not only from those who have potentially had some illness or death previously, but we hear a

lot about Hoof and Mouth and Mad Cow. He feels that there is a safety issue. If we are going to require, he feels that there ought to be some penalties.

REP. WAITSCHIES said that this has nothing to do with safety or shipping, the only thing this does is say that you have to tell where it came from. This doesn't address safety. He doesn't like the penalties because he feels that they are ambiguous.

REP. RASER asked to make a substitute motion. **REP. HEDGES** said that it was out of order. **REP. GALLIK** and **REP. RASER** challenged that decision. **REP. HEDGES** replied that the chair can recognize whoever he wants too.

{Tape : 2; Side : A; Approx. Time Counter : 22.4}

REP. ADAMS called for the question.

Motion/Vote: **REP. HEDGES** moved **SB019607.AKL**, **NUBERS 1, 2, 3, 9 - 16**. Motion carried 10-9 with **Bixby, Gallik, Galvin-Halcro, Keane, Lenhart, Raser, Schrupf, Smith, and Waddill** voting no.

Motion: **REP. HEDGES** moved **AMENDMENT SB019607.AKL, NUMBER 8**.

Discussion:

Ms. Evans explained the amendment.

REP. GALLIK is opposed to this because it would cover hamburger.

REP. HEDGES said that it would essentially remove, from the labeling requirement, all manufactured products, such as beer and bread.

REP. GALLIK doesn't think that **REP. HEDGES** is correct because we no longer have grain in the bill. **Ms. Evans** clarified that what it will say is, "Honey, beef, pork, poultry or lamb that is produced."

REP. WAITSCHIES asked if this would include hot dogs now.

REP. ADAMS called for the question.

Motion/Vote: **REP. HEDGES** moved that **AMENDMENT SB019607.AKL, NUMBER 8, BE ADOPTED**. Motion failed 9-10 with **Adams, Clancy, Hedges, Holden, Jackson, Lehman, Raser, Waitschies, and Wolery** voting aye.

REP. GALLIK said that if we pass this we will be inserting raw grains.

REP. HEDGES withdrew his motion to adopt numbers 4, 5, 6 and 7 of SB019607.AKL.

REP. RASER asked what this bill does after all the amendments.

Ms. Evans said that the first amendment was to exclude food service establishments. The second was to clarify the language with the use of placarding. The third was the delayed effective date. The fourth was to put fruits and vegetables back in the bill. The fifth was to strike grain on everything except lines 28 and 30.

REP. HARRIS wanted to make the observation that making bills was like making sausages. You don't want to look too closely at how it is done.

REP. GALLIK thinks that the intent of this is a good piece of legislation that will allow people to promote. He would hope that the committee will continue to go with it.

Motion: **REP. GALLIK** moved that **SB 196 BE CONCURRED IN AS AMENDED.**

Discussion:

REP. HARRIS said that this has been modified for the better, but the core provisions are important and he thinks that it should be passed as amended.

REP. DALE feels that the committee is caught in a philosophical battle where the two groups haven't worked out the details.

Motion/Vote: **REP. DALE** moved that **SB 196 BE TABLED. Motion failed 9-10 with Adams, Clancy, Dale, Hedges, Holden, Jackson, Lehman, Waitschies, and Wolery voting aye.**

REP. JACKSON thinks that this would be real difficult in the beef area. There is no safety in this bill and the unintended consequences could be great in terms of trying to do this. The protection is the USDA inspection. This needs to be done on a federal level. He is not comfortable with this bill with all the different items in it.

REP. GALLIK called for the question.

Motion/Vote: **REP. GALLIK** moved that **SB 196 BE CONCURRED IN AS AMENDED. Motion carried 14-5 with Adams, Clancy, Dale, Holden, and Jackson voting no.**

REP. WADDILL will carry the bill to the house floor.

REP. HEDGES commented that this will give the Department of Commerce the opportunity to develop administrative rules; it sends a signal to the federal government to support labeling efforts.

ADJOURNMENT

Adjournment: 6:00 P.M.

REP. DONALD L. HEDGES, Chairman

ROBYN LUND, Secretary

DH/RL

EXHIBIT (agh65aad)